

**CITY OF CORVALLIS
COUNCIL WORK SESSION**



AGENDA

**June 12, 2006
5:30 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

- I. ROLL CALL

- II. UNFINISHED BUSINESS
 - A. Citizen Review Board

- III. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 766-6901 or TTD/TDD telephone 766-6477 to arrange for such service.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 766-6901

A Community that Honors Diversity

Nelson, Jon

From: George and Angelica [angelicaandgeorge@comcast.net]
Sent: Saturday, June 10, 2006 10:33 PM
To: Nelson, Jon
Cc: Ward 3
Subject: CRB Comments

Jon

Thanks for getting me the report on the Citizen Review Board before I left. The following are the comments that I would like shared with the Council on Monday. If you have any questions give me a call my cell phone will be with me.

QUESTIONS FOR THE WORK SESSION ON CITIZEN REVIEW BOARD

- 1) Who appoints the members of the CRB and what will the process look like?

Who appoints is not as important in my opinion as who is appointed. I am fine with a Mayoral appointment but if the Council wants to take on a Planning Commission like process for this Board I would be fine with that and it would actually be my preference for reasons many of you can figure out just by having worked with me ☺.

There were comments that each Councilor or Ward have an appointment to the Board. This seems cumbersome and problematic unless the council actually appoints then we as individuals can recruit people for council consideration.

Whatever is recommended the key factor is that people who apply must be ready to complete a criminal background check and be willing to under go a large amount of public scrutiny if a case arises that tests the mettle of the City.

- 2) Who does the Board report findings to?

Unquestionably this must in my opinion be the city Council. This process is about Openness, Accountability, and Transparency, for those reasons the CRB must report to the Council as we are the elected representatives of the community and accountable for the work this Board does.

- 3) Should the CRB be a full City Commission?

Yes, anything less weakens the standing of the CRB in the minds of all parties.

- 4) Can complaints remain anonymous through the process?

It is critical for the Council to understand that the CRB reviews complaints about the internal investigation of a public complaint against CPD, they do not review allegations from the public nor do they carry out independent investigations. They may recommend that additional investigations may be required but they will not conduct that investigation.

That being the case I would answer this question in the following way, "If a citizen can already file an anonymous complaint that gets investigated there can be no way for the

CRB to review that investigation because the accuser is never identified. That being the case how could they (the accuser) appeal anything to the CRB without going public?" Transparency is the issue and it needs to apply to those who use the system. It is harsh, but these are serious charges and must be taken seriously. I am not advocating for re-victimizing the injured party but every person in America has a right to face their accuser when the public's business is on the table.

5) Will the CRB have the ability to conduct a separate investigation?

No, they could recommend that additional internal investigative work is required to determine if the outcome of an investigation is valid or they could also recommend that another agency be called in to do a separate investigation because they feel the evidence requires it to be done, but that is all they can do is recommend.

At that point in time I would expect a recommendation from the Police Chief and the City Manager for the Council to consider. This could be messy but if something really smells bad and an independent group is not satisfied with the process to date then we have a responsibility to have a public discussion about why they feel the way they do. It does not mean the recommendation is followed but it does provide a public forum for the matter to be examined.

6) What is the council's expectation on confidentiality?

My expectation is that there will be times when there is information of a nature that must remain confidential but should be looked at by the CRB. In that case they should have the authority to meet Executive Session to see the material that is necessary for them to carry out their charge. An example would be techniques and processes the police use to conduct investigations should not be a matter of public record for obvious reasons. But those procedures may be very relevant to the matter before the CRB and they should have the ability to see what they need to see.

7) Will the CRB possess any form of subpoena power?

NO! But consider it like this it is one thing for a citizen to file an appeal to the CRB and not show up or follow through, that is their right. It is completely another matter if the CRB asks for information from the Chief of Police, the City Manager or the City Attorney or any other staff member, and is refused. It then again becomes political and the CRB has a public forum from which to make their case for a cover-up or whatever. Doubt it will ever happen but remember the review investigations they do not investigate allegations.

8) Does the Council desire a change to the City Charter?

No need, but I do think the CRB should be reviewed for effectiveness after three years then put on a schedule for regular review for sunset just like any other Commission. But because it will take more time to authorize, recruit and train the Board members it should not have to have a sunset review for at least three years. Regular process checks are in order thought.

9) Will persons with an identified strong interest group backgrounds be considered for membership on the CRB?

Members will be appointed either by the Council or the Mayor and it is our decision who

gets appointed. It is the right of every person to participate in government and we cannot set up subjective criteria as an organization that automatically excludes people. As elected officials we are accountable to the electorate and if it becomes an electoral issue because of who we appoint we will be replaced and the system of checks and balances provided for in the City Charter will have worked.

It seems to me that if someone has a strong interest or opinion, or belongs to a group that has been critical of police powers excluding them seems a bit like sitting them down in front of whom ever appoints them and asking....

“ARE YOU NOW, OR HAVE YOU EVER BEEN A MEMBER OF THIS...(INSERT GROUP HERE)? “

10) Is there any desire to consider a joint review Board with Benton County?

PLEASE, PLEASE, PLEASE SAY NO! Our interests are to different. Salem has a very nice model that is working for them and has been reviewed briefly buy the Stakeholders group and they showed interest in these by-laws and form. Let those of us who have been working on this finish the job and get a formal proposal back to you. A joint CRB would be in my opinion a disaster and should be avoided.

Thank you for the good work you will do in my absence. See you next week, call me on my cell if anyone has questions I will be available.

George

COMMENTS REGARDING A CITIZEN REVIEW BOARD

By the
Corvallis Police Officers' Association president,
Michael Mann
June 12, 2006

Honorable Mayor and City Councilors,

In deciding to form a Citizen Review Board, Corvallis appears to be on a path of improving the trust of community members through greater government transparency.

In February, 2004 the women and men of the Corvallis Police Officers' Association expressed support for a review board. As the current president of the CPOA, I would like to offer a few comments as you consider the actual formation and role of the Citizen Review Board.

In both my union president role and as a community member, I participated in the public outreach process. Although citizen participation was very low, it was apparent that nearly all in attendance desired a Citizen Review Board that would act as a check-and-balance on the complaint process. It was also apparent that only an extremely small contingent desired a review board with investigative or subpoena power and that the overwhelming majority of those present did not desire an investigative board.

I encourage the members of the Council to continue down a path of greater transparency and trust by forming a Citizen Review Board, not a Citizen Investigative Board. The main purpose of a Review Board is usually to determine whether Police Department policies and procedures were followed by the accused officer and the staff investigating the complaint. Many boards also recommend police department policies that are fair and address the concerns of both the civilian complainants and the involved police personnel.

Creating a board with investigative and subpoena powers would create an unnecessary adversarial situation. As touched on in Chief Boldizar's June 7 memorandum, such a board could result in serious labor law and contract issues. An investigative style board could also undermine the talented professionals employed to manage the police department. The Police Department's management personnel are compensated to look after the best interests of the Corvallis community and of the city government. Complaints are investigated thoroughly and discipline is imposed as necessary.

Furthermore, personnel of the Corvallis Police Department are already subject to oversight and review of their actions through a large number of methods, including: police department policies and procedures (including the current citizen complaint process and a stringent use-of-force review), City administrative policies, City risk management practices, the City Attorney and District Attorney, the civil and criminal court systems, contract and labor law, national and state accreditation, the media, open records laws, and investigations by other agencies including the Oregon State Police and the Federal Bureau of Investigation. All of these components have a role to play in police oversight. Adding an investigative review board would complicate and likely interfere with the existing components.

Implementing a review board that focuses on review of complaint procedures and outcomes (as well as advising on policies to assure they are aligned with the desires of the Corvallis community) would improve transparency while supporting the current system of checks-and-balances.

Two of the other elements identified for discussion by the Council were anonymity of complainants and the confidentiality of the Citizen Review Board. A basic tenant of our justice system is the right to face an accuser and in that spirit, I submit to you that complainants should not be allowed to be anonymous. Also, police personnel should be afforded all the confidentiality that is allowed under the law. Officers should not be considered second-class citizens or lose any rights given to other Americans simply because they choose to serve the public.

I believe the Corvallis Police Department is one of the most professional law enforcement agencies in the state and in the country. A non-adversarial Citizen Review Board that supports the department's mission through greater transparency can only lead to better citizen/police relations.

MEMORANDUM

June 7, 2006

TO: Mayor and City Council

FROM: Gary D. Boldizar
Chief of Police



SUBJECT: Council Work Session on Citizen Review Board

ISSUE:

At the June 5, 2006, City Council Meeting the recommendation to establish a Citizen Review Board was approved. A Council Work Session was set for June 12, 2006, to review the recommendations received from both the stakeholders group and from the community forums. This report identifies ten of the major elements to consider in the establishment of the Citizen Review Board.

BACKGROUND:

On May 17, 2006, the last of four forums to receive input from the community was held. At that meeting the following three questions were asked: 1) What are the strengths of the stakeholder recommendations? 2) What are the weaknesses of the recommendations? 3) What recommendations do you have? There were twenty-two recommendations that came out of the final forum. Responses to all these questions from the forum are contained in the May 22, 2006 staff report on the Community Outreach Process. A copy of that report and the May 9, 2006 staff report are incorporated into this report as Attachments A and B respectively.

DISCUSSION:

There are many citizen oversight committee models in this country today. Those models have been discussed in previous staff reports and are included with this report in Attachment B. The model of citizen oversight recommended is one that has a mission to provide the citizens of Corvallis with a body that will audit the discipline process and the policies and procedures of the Corvallis Police Department. The purpose is to strengthen the relationship between the citizens of the City and its police department, to assure timely, fair and objective review of citizen complaints while protecting the individual rights of police officers, and to make recommendations concerning citizen complaints.

To move this initiative forward, decisions must be made regarding the major elements of the Citizen Review Board. The following ten major elements have been identified as a starting point for discussion at the Council Work Session: 1) Who appoints the members of the review board and what will that process look like; 2) Who does the review board report findings to; 3) Should this body be created as a full City Commission; 4) Can complainants remain anonymous throughout the process; 5) Will the review board have the ability to conduct a separate investigation; 6) What is Council's expectation on confidentiality; 7) Will the review board possess any form of subpoena power;

8) Does Council desire a change to the City Charter in order to achieve the desired review board model; 9) Will persons with identified strong interest group backgrounds be considered for membership on the review board; 10) Is there any desire to consider a joint review board with Benton County.

Each of these elements has certain ramifications that should be considered and can be grouped as follows:

Authority

Who does the review board report findings to?

- Mayor and City Council
- City Manager
- Combinations of above

Should this body be created as a full City Commission?

- Would require change to City Ordinance to add the Commission
- If created as a full City Commission, question about who they would report to would be identified in the ordinance language. Depending upon the powers of the Commission there may be issues under the Charter's language describing the council-manager plan and division of powers.

Will the review board possess any form of subpoena power?

- Could require addition to City Ordinance and/or City Charter
- Persons present during second open forum did not agree on this issue
- Labor law and case law would need to be considered

Does Council desire a change in the City Charter in order to achieve the desired review board model?

- Question regarding who the group reports to and what their powers are relative to City employees could require changes to City Charter
- There are potentially other elements that could require changes

Membership

Who appoints the members of the review board and what will that process look like?

- Members appointed by the Mayor and confirmed by the City Council
- Members appointed by the Council (one per Councilor or by Council vote)
- Members recommended to the Mayor by the Council
- Other processes could involve suggestions from City Manager, City staff, etc.

Will persons with identified strong interest group backgrounds be considered for membership on the review board?

- Persons with strong anti-police or pro-police backgrounds could make the board non-functional
- Other types of interest group backgrounds are probably not problematic
- Forum input stressed the importance of well informed and educated members. How would we generate interest in serving if those particularly interested in law enforcement are not eligible to serve?

Confidentiality / Transparency Balance

Can complainants remain anonymous throughout the process?

- Maintaining anonymous status of complainants could allow potential complainants to feel more secure in filing a complaint
- Taking disciplinary action against an employee based upon an anonymous complaint could raise due process questions
- Labor law requirements for investigatory processes involving sworn officers
- Anonymous complaints/confidential processes potentially conflict with the goal of transparency

Will the review board have the ability to conduct a separate investigation?

- Could result in added unbudgeted costs (private investigator)
- Could violate existing contract language with police union
- What constitutes a separate investigation? Complete de novo vs. allowing testimony and questions to the complainant and/or employee(s) who may desire an opportunity to speak directly to the board vs. on the written record only with the ability to request additional information in writing from the department
- Could involve Charter implications

What is Council's expectation on confidentiality?

- Transparency v/s confidentiality issues
- Must consider issues with open public meetings laws
- What is a public record and what is not
- What are the requirements under labor law for police officers
- Relates to the question of whether the board would consider any new information or testimony and if so, should that be in open or closed session? What will the law allow in closed session if the board is an advisory body to the City Council?
- Should members be chosen to represent specific constituencies?

Revision of Existing County Process to Encompass the City Work

Is there any desire to consider a joint review board with Benton County?

- This would require changes to the existing Benton County Law Enforcement Review Committee By-Laws in several areas to bring in line with focus group recommendations
- City Council would have to work with the Benton County Commissioners to discuss potential relationship and changes
- If the City did more outreach to encourage activity, how would that impact the County?

There are other elements, however, staff believes these ten are the most important to consider to move forward in the development of a Citizen Review Board. For additional background on Citizen Review Boards the following is a short list of cities around the country that have functioning Citizen Review Boards.

San Diego, California	www.sandiego.gov/
Las Vegas, Nevada	www.citizenreviewboard.com
Fort Collins, Colorado	www.fcgov.com/cityclerk/citizen-review.php
Iowa City, Iowa	www.icgov.org

(For the San Diego site you must then select City Hall (Boards and Commissions) and then Citizen Review Board on Police Practices; for the Iowa City site you must then select Departments, City Clerk, Services and Police Citizens Review Board)

RECOMMENDATIONS:

Staff recommends Council consider these ten major elements during the work session. Staff would then return to City Council, through the Human Services Committee, with associated draft implementation documents (enabling ordinance, by-laws, etc.)

Attachments: A) May 22, 2006 Staff Report - Citizen Review Board-Community Process-Supplemental to May 9, 2006 Staff Report
B) May 9, 2006 Staff Report - Citizen Review Board - Community Outreach Process Report

Review and concur:

JSN by Gary Boldz
Jon S. Nelson, City Manager

MEMORANDUM

May 22, 2006

TO: Human Services Committee

FROM: Gary D. Boldizar
Chief of Police 

SUBJECT: Citizen Review Board - Community Outreach Process - Supplemental to May 9, 2006 Staff Report

ISSUE:

A staff report to the Human Services Committee (HSC) was prepared on May 9, 2006, to report on the community outreach effort addressing a proposed Citizen Review Board. One issue with significant budgetary impact was the consideration of using a Police Auditor model for citizen review. The consensus of the stakeholders was that the majority of the responses from citizen's attending focus group meetings was that this option was not desirable. These details are contained within the May 9 staff report. After the May 9 staff report was written, a final open forum was held on May 17, 2006. This supplemental staff report covers the citizen comments collected from that community forum.

BACKGROUND:

As part of the effort to re-engage the community to determine if a Citizen Review Board continued to be necessary, four meetings were scheduled: The first meeting, April 12th, was a police employee meeting; the second, April 26th, was an open meeting for any interested community member to attend; the third, April 29th, was a special bi-lingual English/Spanish meeting specifically for the Hispanic community to attend; and the fourth meeting, May 17th, was a second open meeting for any interested community member to attend. At the May 17th meeting, the following three questions were asked: 1) What are the strengths of the stakeholder recommendations? 2) What are the weaknesses of the recommendations? 3) What recommendations do you have?

DISCUSSION:

The May 17, 2006, open forum was again facilitated by Joseph Bailey. The meeting was attended by about 20 people who all seemed to be very much engaged in the process to answer the three questions. The following are the comments provided by the meeting attendees:

ATTACHMENT A

Strengths of the Stakeholder Recommendations

- That objective perspectives by CRB members is valued
- CRB has authority to state findings and makes recommendations to PD
- Transparency of the process
- An official review/advisory board
- The opportunity for cumulative data that could help impact policy and/or procedure
- That the CRB was recommended
- The ability to hear appeals, discrimination issues and all types of complaints received by police
- Automatic review of racial or discrimination concerns/complaints
- Could result in higher levels of awareness in community
- Recognition that it is important to surface and deal with complaints - make them public
- It's good that members need to be knowledgeable and to do a police ride along and attend the citizen academy training
- Virtually no money will be spent to have a CRB but will allow for greater transparency
- Some of the language in the recommendation was good, such as accessible, safe, and responsive
- CRB can access information from the police to assist in the process

Weaknesses of the Stakeholder Recommendations

- Concerned that the stakeholder group has too narrow of a focus
- OSP/OSU out of bounds for CRB
- There are restrictions about not having an activist agenda, but there are no restrictions related to economic bias or positional authority
- The process may put too much trust in PD and rely upon the police review process
- No direct authority to initiate action
- Complainant will not be able to address CRB
- No clarification of responsibilities and power/control. This clarification needs to be arrived at before deciding. One power is that they should have the authority to subpoena evidence
- Details not clarified and still need working out
- No independent complaint process from the police review process. CRB not invested with power to initiate
- No details about the CRB being representative of the demographics of community
- May not be the best tactic to keep activists off CRB. Activist agenda may be the wrong word, it might be better to use a wording like pro/anti-police agendas are not acceptable
- No independence of police complaint process for autonomous action
- There is no stipulation on a feedback procedure that would send a complaint to the police for further investigation

Recommendations from the Second Open Forum Attendees

- Be sure decisions/investigation results made by CRB goes to City Council
- Report to the public those things that can legally and contractually be released
- Be sure that the city staff assigned to CRB reports information from CRB to City Council. The City needs to be careful who staffs it. This person is a confidential & exempt personnel. Have an attorney or other legal advisor available to CRB. Have the attorney/advisor be a part of training
- Need to decide where the CRB physically resides within the City
- Clarify whether other complaints will be automatically reviewed by the CRB? (Other than racial)
- What is the protocol if the complaint could be criminal in nature?
- The council needs to discuss having CRB members with a strong interest group intent
- CRB could see and identify issues with existing policy or procedures. Then make recommendations to the police and council
- Clarify about press access to CRB sessions
- Consider letting the CRB design the details itself
- Set a timeline for CRB to work out all the details in the process and then have a sunset provision for the board
- Timeline for citizen's complaint to go through the CRB. There needs to be discretion for the CRB to extend the timeline if need be
- Having a police department resource assigned to assist and work with the CRB
- The CRB is allowed to operate independently
- All CRB members to do a 9-1-1 sit-along with the dispatchers
- Compare the proposed CRB to other community processes, e.g Portland. Don't reinvent the wheel
- Have people on the Board who have worked with the police and understand the work
- CRB has subpoena authority. (There is disagreement on this point and some people felt that it should be the legal system that should have that authority)
- Include an educational component that is proactive in outreach about the process. This needs to include the immigrant population, particularly creating a safe process for illegal immigrants
- CRB member receive diversity training
- Public statements about CRB business are made to the citizens
- The CRB has authority for policy review

In conversations during the wrap up session it was pointed out that some of the listed strengths and weaknesses were in opposition to each other. The facilitator stated that this is not uncommon in sessions such as this and he advised that it is important to capture every idea for consideration.

Additionally, there was considerable comment that many of the specific details on how this CRB would function were not yet developed. Staff explained to the forum attendees that a very short timeline existed for the basic work to be completed prior to the May 4, 2006, Corvallis Budget Commission Meeting. Information on the Police Auditor model, which would have had considerable budgetary impact, was needed before that meeting took place. Also, many of the decisions on the actual operation of the CRB are matters to be discussed by the full City Council.

RECOMMENDATION:

Staff recommends the establishment of a Citizen Review Board as indicated in the May 9, 2006 Staff Report.

MEMORANDUM

May 9, 2006

TO: Human Services Committee

FROM: Gary D. Boldizar
Chief of Police



SUBJECT: Citizen Review Board - Community Outreach Process Report

ISSUE:

For fiscal year 2005-06, the Corvallis City Council adopted a council goal to create a Citizen Review Board for the Corvallis Police Department. Prior to making a final decision on the Citizen Review Board the Human Services Committee (HSC) decided that it was important to re-engage the community to determine if a Citizen Review Board continued to be necessary and if so, how that Board would be developed and operated. This report discusses that outreach and its conclusions.

BACKGROUND:

On September 20, 2005, police staff presented a report to HSC on the Development of a Citizens Review Board. A copy of that report is incorporated into this report as Attachment A. In that report four models of Citizen Review were discussed and it was suggested that the model of citizen review currently being practiced by the Benton County Sheriffs Office be adopted as the model for Corvallis and that a single Review Board be used by both the City and the County. At that meeting, HSC decided that proceeding in this manner would be missing an important step in the overall process and that a community outreach effort needed to be implemented to receive this important input.

Staff was directed to develop an outreach plan to initiate discussions with the community on the development of a Citizens Review Board. The proposal was to include resource and staff implications, time frame, suggested stakeholders, and facilitation needs. On November 22, 2005, police staff presented a report on the Recommended Community Outreach Plan. A copy of that report is incorporated into this report as Attachment B. At that meeting HSC accepted the report and directed staff to proceed with the designed outreach.

DISCUSSION:

The first step of the plan was to establish a stakeholders group to assist in the design of the outreach effort. The stakeholders selected were: Mercedes Benton (OSU Coordinator of Multicultural Resource Centers), Juan Guzman (Community Alliance for Diversity), Prudence Miles (OSU Office of Affirmative Action), Sam Peter (Hewlett Packard People of Color Network), Stewart Wershow (Chair - Community Policing Forum), George Grosch (Corvallis City Council), and Gary Boldizar

ATTACHMENT B

(Corvallis Police Chief). The stakeholders group met first on November 14, 2005, and identified potential outcomes of the outreach process to be: 1) The determination if the need for a Citizen Review Board existed in the community; 2) The need to improve the transparency of the citizen complaint process; 3) To identify and clarify minority community perceptions regarding the Corvallis Police Department; and 4) To seek opportunities for new partnerships and collaborations to improve community perceptions regarding the police.

There was consensus within the group that the City needed to proceed with the outreach effort; that it was important that the effort be focused on tangible outcomes; that there should be several opportunities for people to participate; and that there be a facilitator and that the facilitator should have experience in working with minority communities.

Assistant City Manager Ellen Volmert assisted with the process to select the facilitator and Mr. Joseph Bailey of the Linn Benton Community College Training and Business Development Center was selected. City staff and Councilor George Grosch met with Mr. Bailey and worked with him to develop the details of the outreach meetings. The focus of the sessions was to get input from the community using the following questions:

- 1) What are your expectations of a Citizen Review Board for the Corvallis Police Dept?
- 2) Given the current complaint process, what keeps people from using it?
- 3) What would you like to be different if Corvallis had a Citizen Review Board?
- 4) Does the City of Corvallis need a Citizen Review Board?

The meeting agenda began with introductions, overview and a statement of intent followed by a background presentation. Next was an opportunity for questions and answers followed by an explanation on the process to be used to answer the four questions. To notice the community of the meetings about 450 direct letters and 400 emails were sent to persons and groups including all those listed in the Community Outreach Plan (Attachment B). The meetings were also noticed on the City's website, the Public Access TV channel, a front page article in the Corvallis Gazette-Times, and an Editorial in the Corvallis Gazette-Times.

Four meetings were scheduled: The first meeting, April 12th, was a police employee meeting; the second, April 26th, was an open meeting for any interested community member to attend; the third, April 29th, was a special bi-lingual English/Spanish meeting specifically for the Hispanic community to attend; the fourth meeting is scheduled for May 17th and is intended to bring back the input received during the first three meetings and to present the recommendation being prepared for HSC. Any additional input received at the May 17th meeting will also be shared with HSC.

The employee meeting was attended by about 20 employees; the open meeting was attended by about 25 community members, however, the bi-lingual English/Spanish meeting had no attendance and

was called after waiting about 40 minutes. The input from the employee meeting and the open meeting was collected into two documents and are incorporated into the report as Attachments C and D respectively.

The Stakeholders group met again on May 5th, 2006, to discuss the input material provided by Joseph Bailey through his meeting facilitation. There were two clearly identifiable messages from the forums. One was that there was definitely a consensus from forum attendees that Corvallis needs/wants a Citizen Review Board. The other was that there was little support endorsing the Police Auditor model. The Stakeholders agreed that a Citizen Review Board needed to be implemented and that the Police Auditor model was cost prohibitive and that the complaint history did not warrant the expense of a Police Auditor which has an annual cost of over \$100,000. The Stakeholders stated that the citizen complaint process needed to be fair, objective and transparent and that this could be accomplished with a properly established Citizen Review Board.

While not all of the elements of the desired Citizen Review Board model were discussed, the Stakeholders believed that the complaint intake system be one that is accessible, safe, and responsive and engenders the trust and confidence of all involved and is one that promotes accountability. It was also agreed that the complaints should be investigated by police investigators and that the dispositions would be reported to the Citizen Review Board at least quarterly. Additionally, any complainant who was not satisfied with the complaint disposition could request that the investigation be referred to the Citizen Review Board for a full review. It was also suggested that any complaint that involved an allegation of discrimination or racial profiling automatically be referred to the Board for review upon the completion of the investigation.

The Stakeholders also recommended that the persons selected to be Board members be required to attend both the Corvallis Citizen Academy, to participate in at least one Ride-Along with a Corvallis Police Officer, and to receive training on the Police Department Policies and Procedures.

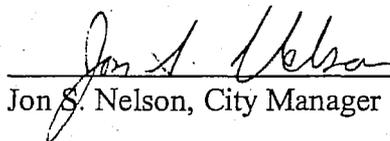
Finally, the Stakeholders discussed the process to select Citizen Review Board members. It was suggested that the membership be limited to an uneven number (7 to 9 members). Several selection alternatives were discussed including having each City Councilor select one person; each City Councilor providing the mayor with three names to consider for appointment; and the Mayor soliciting the names of potential appointees submitted by City Council and City staff. One additional point agreed upon was that no one with an activist agenda either pro-police or anti-police should be considered for membership on the Citizen Review Board.

RECOMMENDATION:

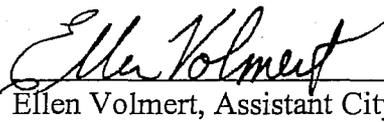
Staff recommends the establishment of a Citizen Review Board and further recommends that one of the three suggested selection methods be used.

- Attachments: A) August 16, 2005 Staff Report: Development of a Citizens Review Board
B) November 8, 2005 Staff Report: Recommended Community Outreach Plan
C) April 12, 2006 Employee Forum Comments
D) April 26, 2006 Open Forum Comments

Reviewed and concur:



Jon S. Nelson, City Manager



Ellen Volmert, Assistant City Manager

MEMORANDUM

August 16, 2005

TO: Human Services Committee

FROM: Gary D. Boldizar
Chief of Police



SUBJECT: Development of a Citizens Review Board

ISSUE:

Staff has been asked to research and recommend a protocol for the development of a Citizens Review Board for the Corvallis Police Department. This report provides some insight into the process and makes a recommendation on how to proceed.

BACKGROUND:

As a result of the Community Policing Forum's Stop Data Collection Project, the Forum recommended exploring the development of a Citizens Review Board. This recommendation was supported by the entire Forum membership including the City Council Representative, Councilor Rob Gandara and the N.A.A.C.P representative, Peter Lueng. After this the concept became a City Council directive and work plan item. A suggestion from the Forum was that the City consider using the model employed by Benton County with its "Law Enforcement Review Committee". A copy of the Benton County review committee by-laws will accompany this report and are incorporated into this report by this reference.

DISCUSSION:

In a recent survey conducted by the International Association of Chiefs of Police, 80% of the American public reported that they favor the use of citizen review. Many citizens see citizen review as a logical outgrowth of community oriented policing and police/community partnerships which are based on openness, equity, trust and accountability.

Nationwide, about 15% of police agencies model some use of citizen review of police misconduct. The following four models of citizen review are most common:

Class I: Citizen Review Board - Citizen complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by a board comprised wholly of citizens. The board may or may not have subpoena power. This model is the most controversial of the group

ATTACHMENT A

with issues of employee rights, representation, contract issues and other conflicts being present. It can also require additional staff to support the work of the board so it is the most expensive to operate.

Class II: Police Review/Citizen Oversight - Complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by law enforcement officers, with oversight of each case by a citizen or board of citizens. Under this model, the steps on the complaint continuum are handled by the police. A board of citizen reviewers, or a single individual, reviews those actions/determinations. Since law enforcement conducts the initial fact-finding investigation, the Class II model is considered less independent than Class I, but can also result in the need to assign additional staff and will have many of the same issues present as those in the Class I model.

Class III: Police Review/Citizen-Police Appeal Board - Complaints are reviewed and investigated by law enforcement officers in the Internal Affairs Unit, which recommends disciplinary action to the chief or sheriff. Complainants who are not satisfied with outcomes of investigations can appeal for review to a board composed of both citizens and sworn officers. Under this model, the complaint process is handled by the police. In the event a complainant is not satisfied with the outcome of his or her case, a board undertakes review of how the case was originally investigated. Citizen participation is limited to appeal review only. This model would require little or no additional expense as the volunteer review committee and protocols are already in place.

Class IV: Independent Citizen Auditor - An independent citizen auditor or auditor system reviews the law enforcement agency's internal complaint review process (IA) and makes recommendations as needed. This model requires additional funding to staff the Auditor position and related support expenses.

BENTON COUNTY LAW ENFORCEMENT REVIEW COMMITTEE

The model of citizen review employed in the earlier mentioned Benton County Law Enforcement Review Committee most closely follows the Class III model with the exception that there is no sworn officer representation on the board. This model can be implemented with existing resources and has the benefit of being a known entity to staff.

If the Corvallis Police Department became a party to the existing Benton County Law Enforcement Review Committee, the Corvallis complaint investigation process including complaint intake protocols would remain the same until the complainant does not agree with the disposition finding of the Police Chief. At that point the matter would be referred to the Review Committee and the review would begin at Article 3, Section 3 (Appeal to the Committee).

Police staff has met with both Benton County Sheriff Jim Swinyard and Benton County Commissioner Jay Dixon to determine their support for the use of a single county-wide law enforcement review committee. Both agree that this concept makes perfect sense and would support the proposal. With the ongoing work on the joint law enforcement initiatives, this is a logical solution. Modification of the by-laws to address such issues as the process for selection of committee members to include board member selection participation by the Corvallis City Council would be necessary but it is believed the County would support these required changes. It is believed this model could be approved by the end of this calendar year. Along with selecting this option could be the understanding that adopting this joint review process should include a trial period which would allow a dissolution of the agreement if the process proved unsatisfactory.

OTHER MODELS PROCESS DEVELOPMENT

If the decision were to not jointly use the existing Benton County Law Enforcement Review Committee, considerable additional work must be accomplished. There are four design issues that must be addressed carefully to ensure that a model is designed that is acceptable to as many constituencies as possible. First, oversight models (Class I through Class IV) vary significantly with regard to when citizen review comes into play, what citizens get to review, and how much autonomy they have to make decisions or recommendations after review is completed. The police department should work with Corvallis Police Department staff, the community, the Community Policing Forum, and the City Council to design a model that appears best suited to resolve any identified issues. Reasonably broad consensus on the model is critical at the outset.

Second, some citizen review mechanisms have little or no power and are utilized in an advisory capacity only. Some have powers that may actually exceed those of sworn police personnel. There is a delicate balance here and the appropriate set of powers must be employed to render the citizen review effective. However, allowing models that provide unreasonable powers to citizens can undermine police authority and demoralize police personnel. Specific issues such as subpoena powers, public hearings, officers' rights to representation and overall decision-making power must be clarified.

Third, parties should agree on the types of individuals that serve on the oversight mechanism. There must be clarity on how members are selected and who has the final say on those under consideration. Even with a well-designed model of review, appointing individuals ill-equipped to handle sensitive police matters is problematic. Citizens selected should be familiar with law enforcement practices and must also be independent and not previously involved with or aligned with the department in any way. Police should be allowed selection input to clearly articulate criteria and preferences for selection. Comprehensive background checks should be completed for each candidate selected for any citizen review role.

Last, any financial considerations must be made with funding secured prior to implementation. Pursuing a new model is an intensive work effort that may need additional funding for development and on-going support. Because this is a Council directed work plan item this alternatives memorandum is coming to Council first. The Corvallis Police Officers' Association and Community Policing Forum will receive a copy of this memorandum and will have opinions as well.

OPTIONS:

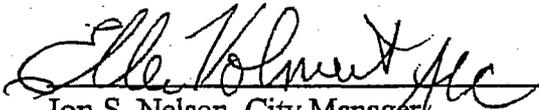
- 1) Pursue partnering with the existing Benton County Law Enforcement Review Committee as the citizen review mechanism for the Corvallis Police Department.
- 2) Identify a new model for citizen review and direct staff to develop an implementation time line, process, and budget to be used by the Corvallis Police Department.

RECOMMENDATION

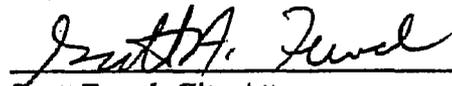
Staff recommends option 1.

Attachment: By-Laws Benton County Law Enforcement Review Committee

Reviewed and concur:



Jon S. Nelson, City Manager



Scott Fewel, City Attorney



Ellen Volmert, Assistant City Manager

BY-LAWS
BENTON COUNTY LAW ENFORCEMENT REVIEW COMMITTEE

ARTICLE 1

Name

The name of this organization shall be the Benton County Law Enforcement Review Committee (the "Committee").

ARTICLE 2

Function

The Committee shall assist the Benton County Board of Commissioners, and shall have the following powers and duties:

- (1) Serve as a point of contact for citizens seeking information on how to deal with a concern involving the Sheriff's Office.
- (2) Monitor the handling of citizen complaints about the Benton County Sheriff's Office and provide input and recommendation to the Sheriff's Office and/or Benton County Commissioners regarding office policies and practices that have a bearing on the handling of complaints, e. g., whether the complaint process is accessible to all citizens, whether investigations are handled fairly in a timely manner, or whether the findings of an investigation are consistent with the information available.
- (3) Accept for review any appeal filed by a complainant on a decision reached by the Sheriff regarding a complaint.
- (4) Communicate with the public regarding citizen complaints about the Sheriff's Office.

ARTICLE 3

Process

The process for handling a citizen complaint shall be as follows:

Section 1. Initialization of Complaints.

- (1) Citizen complaints shall go directly to the Sheriff's Office.
 - (a) Complaints must be filed with any of the following: the Sheriff's Office, the County Attorney's Office, Board of Commissioner's Office or the Chairperson of the committee in care of the County Attorney.
 - (b) Complaints must be in writing and must be received within 180 days after the alleged incident giving rise to the complaint.
- (2) Upon receipt of a citizen complaint, the Sheriff or his/her designee shall:
 - (a) Within five (5) business days send complainant written acknowledgement of receipt of the complaint.

- (b) The notice shall advise the complainant that investigation of the complaint will be conducted or, if complainant so chooses, some other option, e. g., mediation may be utilized to resolve complainant's concerns.
 - (c) The complainant, and the Sheriff must agree before mediation can be conducted. The employee(s) subject to the complaint may, at their discretion, participate in the mediation. A complaint that undergoes mediation shall not be investigated, be appealable. A mediation may be suspended if, in the opinion of the mediator, there is no reasonable likelihood of reaching resolution. At such time as the parties agree in writing to proceed to mediation either with or without a mediation facilitator, the complainant shall have no other review rights and termination of the proceedings, regardless of whether mediation has been completed shall end the complaint process. The Sheriff's Office shall review all completed mediation outcomes to determine whether any policy or practice should be revised or altered.
- (3) Within 30 days of receipt of the complaint, the Sheriff's Office shall provide written notice to complainant of the status of the investigation. If the investigation is not completed within 60 days, a second notice of investigation status shall be sent to complainant. The Sheriff's Office shall make every effort to reach a decision on the complaint within 90 days.
 - (4) Notice of the Sheriff's Office decision on the complaint shall be sent by certified and first class mail to the complainant.
 - (a) Notice of the decision shall state either that the complaint is sustained or the complaint is not sustained.
 - (b) Notice may also state that Benton County Sheriff's Office policy and procedure will be reviewed to determine whether revisions are necessary.

Section 2. Appeal of Sheriff's Office Decision.

- (1) Within fourteen (14) working days of receipt of the written initial decision, the complainant may appeal the decision to the Sheriff.
 - (a) Appeals must be filed with any of the following: the Sheriff's Office, the County Attorney's Office, Board of Commissioner's Office or the Chairperson of the committee in care of the County Attorney..
 - (b) Appeals must be in writing and must raise issues with sufficient specificity to allow the Sheriff to review the investigation as to the issues raised by the complainant. The appeal must state the reason or reasons the complainant is dissatisfied with the decision.
 - (c) The Sheriff will conduct a record review of the complaint and the investigation.
 - (d) The Sheriff shall notify the complainant in writing within 30 days of his or her decision on the appeal.
- (2) Notice of the Sheriff's decision on appeal shall be sent by certified and first class mail to the complainant.

Section 3. Appeal to the Committee.

- (1) Within fourteen (14) working days of receipt of the written decision from the Sheriff, the complainant may appeal the decision to the committee.

- (a) The appeal must be in writing and must raise issues with sufficient specificity to allow the committee to review the investigation as to the issues raised by the complainant.
 - (b) The appeal must be filed with any of the following: the Sheriff's Office, the County Attorney's Office, Board of Commissioner's Office or the Chairperson of the committee in care of the County Attorney.
- (2) Within fourteen (14) days of receipt of the appeal, the committee shall schedule a regular meeting. The appeal record shall be mailed or made available to the complainant prior to the date set to hear the complaint.
- (a) The complainant and the Sheriff, or the Sheriff's designee, will be given the opportunity to make an oral presentation of the issues raised in the written notice of appeal. Each side shall limit their oral presentation to no more than thirty (30) minutes, unless, at the discretion of the committee chairperson, a longer presentation period is granted. Each side shall also have the opportunity to present a 10-minute rebuttal. The committee may ask questions of each party, provided the questions are limited to the oral presentation or information contained in the appeal record.
 - (b) The committee shall conduct a record review, and not a de novo review, meaning it will review the record of the investigation and the complaint and/or notice of appeal, but will not accept new evidence. Upon review of these materials, the committee shall either:
 - (i) Decide the Sheriff's decision is supported by evidence; or
 - (ii) Decide the Sheriff's decision is not supported by evidence and identify evidence, investigative procedures or policies and procedures that should be reexamined by the Sheriff.
 - i. If the committee reaches a decision described in Article 3, Section 3(2)(b)(ii) the Sheriff shall have seven (7) days from receipt of the decision to either reopen the investigation to address the issues raised by the committee or reaffirm his or her decision. If the investigation is reopened, it shall be only to address the issues raised by the committee and shall be completed within twenty-one (21) days of receipt of the committee's decision. The complainant shall be notified of either decision by the Sheriff as described in Article 3, Section 2. There shall be no further appeals from this decision.
 - ii. If the committee determines the Sheriff's decision is not supported by evidence, it may request the Board of Commissioners hire an independent investigator to investigate the complaint. The Board of Commissioners shall have the discretion to determine whether to hire an independent investigator and what the scope of the investigation may be.
- (3) Within 30 days of its meeting, the committee shall notify the complainant in writing of its decision on appeal.
- (4) Decisions from the committee are final and may not be reviewed judicially or by any other administrative body.

Section 4. Other Actions that Impact Complaint Review Process.

- (1) There shall be no investigation of matters currently in litigation; where a notice of tort claim has been filed; where a grievance or other appeal under collective bargaining agreement or County personnel rules has been filed; or where discrimination complaints have been filed by the complainant or a Sheriff's Office employee. If any of the above are filed while a citizen complaint is pending, the citizen complaint review will be terminated and the complaint deemed to be dismissed.
- (2) In the event a complaint is referred to another County department or state or federal agency for investigation, the following will result:
 - (a) If criminal conduct is found, the complaint will be deemed to be fully investigated and no further appeals will be available.
 - (c) If no criminal conduct is found, the complaint will be investigated as outlined above.

**ARTICLE 4
Reporting**

At least annually, within sixty (60) days of the close of the calendar year, the Sheriff's Office shall prepare a report for the committee and the Board of Commissioners that summarizes the previous year's complaint activity. The report shall include, but not be limited to the nature of each complaint, the number of formal complaints received, how many were processed within the timelines described in these bylaws, the reasons any timelines were not met and when the delinquent task was completed, the number of complaints appealed to the Sheriff, the number of complaints appealed to the committee, an analysis of the trends associated with the complaints and any other relevant information.

**ARTICLE 5
Membership**

Section 1. Number and Selection: The Committee shall consist of no fewer than five (5) and not more than nine (9) members, appointed by the Board of Commissioners.

Section 2. Terms of Office: Terms shall be three (3) years. Any member may serve two (2) successive terms if reappointed by the Board of Commissioners. Terms begin on July 1 and end on June 30. Terms shall be staggered, with three members' terms expiring each year.

Section 3. Responsibilities: Committee members shall regularly attend meetings of the Committee and any meetings of the subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chairman.

Section 4. Termination of Membership: The Board of Commissioners shall follow Benton County Code Chapter 3 in appointing and removing Committee members.

- (1) The Board of Commissioners may remove any appointee for failure to attend three or more consecutive regular committee meetings.
- (2) The Board of Commissioners may also remove any appointee for cause following public hearing, for reasons including, but not limited to:
 - (a) Conviction of a felony;
 - (b) Corruptness;
 - (c) Intentional violation of open meetings law;
 - (d) Failure to declare conflicts of interest;
 - (e) Incompetence.
 - (f) Conflict of interest with the County Sheriff's Office, District Attorney's Office or Juvenile Department, i.e., litigation filed against the county or a tort claim notice as described in ORS chapter 30 filed against the county.

Section 5. Vacancies: The Board of Commissioners shall make appointments to fill vacancies as they occur. Such appointments shall be for the duration of the unexpired term of that position.

ARTICLE 6 Officers

The following officers shall be elected from the Committee membership annually by the Committee at its first meeting of each fiscal year:

Chair: The Chair shall have the responsibility of conducting all meetings and hearings in an orderly manner. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called. However, in the event the Chair's vote shall create a tie, the Chair shall refrain from voting.

Vice Chair: The Vice Chair shall be responsible for conducting the meetings and hearings in the absence of the Chair.

They shall serve for a period of one year, and until their respective successors shall qualify.

ARTICLE 7 Subcommittees

Section 1. Creation of Subcommittees: The Committee shall have the power to create subcommittees with such responsibilities as the Committee directs.

Section 2. Naming of Subcommittees: The Chair shall appoint and charge each subcommittee with its responsibilities, shall appoint the members of the subcommittee, and shall appoint the chair of the subcommittee in the event the subcommittee consists of more than one person. The subcommittee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the subcommittee, and reporting to the Committee concerning the work of the subcommittee.

ARTICLE 8

Advisors

The Committee and the subcommittees may call on lay citizens and professionals as advisors without voting rights to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair.

ARTICLE 9

Meetings

Section 1. Regular Meetings: Meetings shall be held as necessary when called by the Chair of the Committee or the Board of Commissioners.

Section 2. Special Meetings: Special meetings may be called by the Chair or by the Board of Commissioners by giving the members and the press written or verbal notice at least 24 hours before the meeting.

Section 3. Quorum: A simple majority of the voting membership shall constitute a quorum. All business conducted with a majority vote of the quorum shall stand as the official action of the Committee.

Section 4. Voting: Each Committee member shall have one vote. In the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting.

Section 5. Staffing: Staff for recording the proceedings of the Committee shall be provided by the County.

Section 6. Agenda: The Chair, with the assistance of the County Administrative Officer or his/her designee, shall prepare the agenda of items requiring Committee action, and shall add items of business as may be requested by individual Committee members and/or the Board of Commissioners.

Section 7. Notice: All members shall be given written notice of time, date, location, and purpose of the meetings at least three (3) days before a regular Committee meeting, and written or verbal notice one (1) day before a special meeting. In the event a member is provided with less than three (3) days written notice of a regular meeting, or less than one (1) day actual notice of a special meeting, and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting or at a special meeting called with adequate notice.

Section 8. Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflicts of interest shall be noted. Minutes of all meetings shall be maintained.

ARTICLE 10

Public Records and Meeting Law

The Committee is a public body for the purposes of ORS Chapter 192, and is subject to the statutory procedures related to public records and meetings.

**ARTICLE 11
Parliamentary Procedure**

The current edition of Robert's Rules of Order shall govern the Committee where not inconsistent with these by-laws or any special rules of order the Committee shall adopt.

**ARTICLE 12
Conflict of Interest**

A conflict of interest shall be declared by any member who has a conflict of interest as defined by Oregon law prior to taking any action on the matter causing the conflict.

**ARTICLE 13
By-Law Amendments**

These by-laws may be amended by the Board of Commissioners upon its own motion. Prior to an amendment, the Board of Commissioners may request a recommendation from the Committee which may recommend changes at any regular meeting of the Committee by a two-thirds vote of the membership, provided that the recommended amendment has been submitted in writing to the Committee members no later than three days before the regular meeting.

Adopted this ____ day of _____, 2004.

Signed this ____ day of _____, 2004.

BENTON COUNTY BOARD OF COMMISSIONERS,

Chair

Commissioner

APPROVED AS TO FORM:

County Legal Counsel

Commissioner

MEMORANDUM

November 8, 2005

TO: Human Services Committee

FROM: Gary Boldizar
Chief of Police



SUBJECT: Citizens Review Board - Recommended Community Outreach Plan

ISSUE:

Staff has been asked to recommend an outreach plan to initiate discussions with the community on the development of a Citizens Review Board. The proposal is to include resource and staff implications, time frame, suggested stakeholders, and facilitation needs. This report provides the details of a proposed plan to accomplish this goal.

BACKGROUND:

At the Human Services Committee Meeting on September 20, 2005, staff provided a report that outlined the four models of Citizen Review currently in use in the United States. The report recommended pursuing a partnership with Benton County in utilizing their current Benton County Law Enforcement Review Committee with some modifications. Testimony from others present at the meeting strongly suggested that by moving forward in this manner, important dialogue with the community would be left out. The recommendation was to re-engage the public in a community outreach effort so that the process included public input. Additionally, it was recommended that the Community Policing Forum and the Human Services Committee jointly serve as the review committee in the outreach effort to develop the Citizen Review Board.

DISCUSSION:

An important part of the community participant's outreach plan is to ensure that the minority community has an opportunity to participate in a dialogue to seek input. With the participation from these communities the review committee can define community perceptions and develop the best community outreach process possible. A special meeting with representatives of the minority communities has been scheduled for November 14, 2005. This meeting will seek input on how to design the outreach process and how to facilitate the meetings.

The following groups have been identified to participate in the outreach meetings:

ATTACHMENT B

Local Chapter of the National Association for the Advancement of Colored People (NAACP)
Dr. Martin Luther King, Jr. Commission (MLK Commission)
Hewlett-Packard People of Color Network
Oregon State University Office of Community and Diversity
Oregon State University Office of Affirmative Action
Associated Students of Oregon State University (ASOSU)
OSU Student Groups including: Asian-Pacific Americans; Casa Educational; Indian Education
Office; Cultural Resource Center; also to include ethnic/cultural student groups
The Greek Community
Corvallis Community Alliance for Diversity (CAD)
Gay and Lesbian Community
Access Benton County (ABC)
Downtown Corvallis Association (DCA)
Corvallis Chamber of Commerce
National Organization of Women/Corvallis Chapter (NOW)
Corvallis Police Officers' Association (CPOA)
Corvallis Community Policing Forum
Associated Student Body Representatives (ASB) from both High Schools
Committee for Citizen Involvement (CCI)
Willamette Criminal Justice Council (WCJC)
Police Management Staff
Prior Citizen Complainants

This is a preliminary list and it is anticipated that other groups and persons will be identified prior to the beginning of the outreach meetings which will be scheduled to begin after the first of the year with a formal recommendation to City Council expected in the Spring of 2006.

Resources, Staff Implications and Facilitation Needs

While the total number of needed outreach meetings is not confirmed at this time, it is probable that a minimum of three such meetings will be necessary. The use of a professional facilitator for these outreach meetings is recommended. Probable facilitator costs are known based upon recent personal services contracts for these services. The Corvallis Library Main Meeting room is the recommended location for all of these meetings and it is available at no cost.

An article about this effort will be written for "The City". Advertising for these meetings will be placed on the public access cable channels and in the FYI section of the "Gazette Times". Additional advertising in the "Gazette Times" and in the OSU "Daily Barometer" is also recommended. The Chairs and/or Directors of the listed groups will receive a personal invitation

to participate in the outreach meetings.

Staffing implications are minimal as most police and city administrative staff required are exempt employees. However, several represented police employees will be required to attend and their attendance would most likely be on an overtime basis.

All of the potential budget costs listed below can be absorbed within the Police Department's existing operational budget.

POTENTIAL BUDGETARY IMPLICATIONS FOR OUTREACH PLAN	
DESCRIPTION:	COST:
Facilitator (3 sessions @ \$1000 each)	\$3000
Advertising	\$1000 - \$1500
Employee Overtime	\$1000 - \$1200
Office Supplies	\$200
	Max Cost: \$5,900

Time Frame

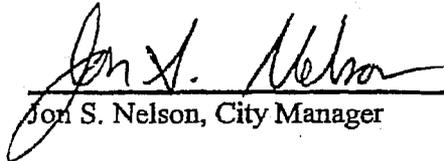
<u>Event</u>	<u>Date Completed By</u>
Meetings with Representatives of Minority Communities, Community Policing Forum, and the Human Services Committee to develop outreach process, agendas, and select facilitator	December 31, 2005
General Outreach Meetings	February 28, 2006
Report to joint meeting of the Human Services Committee and Community Policing Forum	March 31, 2006

To ensure that the outreach process is totally transparent and leaves no one out of the process the time frame calendar can be adjusted as necessary.

RECOMMENDATION:

Staff recommends moving forward with this process as presented.

Reviewed and Concur:



Jon S. Nelson, City Manager

- Attachments: 1) August 16, 2005 Staff Report to Human Services Committee
2) September 20, 2005 minutes of Human Services Committee Meeting

**Training and Business
Development Center**

6500 Pacific Blvd SW
Albany, OR 97321
joseph.bailey@linnbenton.edu
541-917-4935

City of Corvallis
Employee Forum Comments

Date: April 12, 2006

Expectations of Review Board

Qualifications of Committee Members

Receive law enforcement training if they don't have prior experience. Preference is that they have some prior experience with law enforcement.

Background investigations – no arrests, 0 persons with personal agendas, activists, objective people

Structure

This is a committee of checks and balances, not another form of government, policy makers, or activists. They make recommendations only.

It is not a point of intake, a review body only

Trial period for the board

Criteria for what comes before the board

Clear rules, roles & procedures with a set term of office and a purpose clear.

They must know CPD & City policies

No additional city funds, volunteer

Advisor / liaison from PD is established

ATTACHMENT C

Process

All complaints are in writing

A timeline for when complaints can be filed after an incident

Internal process is conducted and then forwarded to the board

Review process not started until after PD process completed

Complainant must appear in person

Recourse for people making baseless complaints

Board must stay on task

Establish an appeal process

Establish a process for removing board members

Mayor has ability to remove member for any reason.

Board members reclude themselves from cases where they have contact with the complainant

Annual report to the City Council

Public meeting confidential until release publicly- clearly differentiate an IA from citizen's complaint

No role in discipline process or knowledge of discipline imposed

Barriers to using the current process

Inherent in this question is a bias that there is something to complain about

People don't like being told they're wrong

Personal agendas that prefer a spotlight in the news rather than a thorough investigation of the facts.

Cultural and learned perceptions.

Unrealistic expectation of what will happen to officer

Fear of relation / tv image of police

Nothing to legitimately complain about

Language barrier

Nothing

Perception and belief that police aren't objective & nothing will happen if there is a problem

A belief that it is foolish to think police will investigate themselves

Placency and unwillingness to pursue the process

What will be different in Corvallis?

The members of the police department see that they are currently open to complaints and actively work to improve issues that arise. As a result of such a process, it is hoped that the public perception will shift and that they see the openness of CPD.

That citizens see that we care about our community and we're not racist/bigots.

People getting a fair shake.

That this process is highly publicized and it is shown that this was a joint effort and that it included the union, police department, and city council working together with the Board to make this possible.

Increased public trust and fewer complaints

Through the reporting of data it will lead to a corrected perception of CPD. Correcting the perception that we are racists and that we don't care or listen.

Public recognition that we are voluntarily adding to our transparency

That there is accessibility and accountability in the complaint process

Public confidence in CPD

Fewer Complaints

Should there be a review board?

See the first page of the police officers association paper.

Recommend ballot initiative

We feel when there is a complaint we do a good job of "investigating" it and that we provide a fair and good service to the community. If it improves the public trust in CPD, then we are supportive of it.

Corvallis Police Citizen Review Board

Input from the Board of the Corvallis Police Officers' Association

April 12, 2006

If the citizens of Corvallis believe a Citizen Review Board is in the best interest of the Corvallis Community, we support the idea of a review of the investigative process only - The Review Board should have no power or authority except review. It should be a check and balance, not another level of administration or government

The Benton County Model is a good base to build on. These are some of our thoughts on their process:

- Complaint should be in writing, with time constraints on when someone can file a complaint and an appeal
- Complaint investigations should be handled internally within CPD, then could go to the Review Board if complainant not satisfied
- If the complaint reaches the Review Board, the complainant must appear in person
- Review should be based on specifics, not general disagreement
- The Review Board does not re-create the investigation, only makes sure the proper procedures were followed
- There should be recourse for false/baseless complaints (a complaint should be sworn)
- Last step of the current Benton County model is that the Board of Commissioners may hire an independent investigator (if evidence does not support the decision of the Sheriff) and they determine "what the scope of the investigation may be" - this needs to be specific to the particular complaint and evidence thereof.
- Trial period is a good idea (possibly a sunset provision)

Qualifications:

- No felony convictions
- No domestic violence convictions
- Resident of Corvallis (Benton County if join the existing Review Board)
- US Citizen
- Agenda Free (no extremists)
- Cannot hold position in city or county government (cannot be a part of the current system)
- Successfully completed CPD Citizen Academy, including background check
- Attend training, possibly including Calibre Press' Street Survival Seminar
- On-going education, including ride-alongs

Idea for a panel who makes the selection:

Simple selection by politicians leaves much room for agendas

One idea for who selects Review Board members: a professional group, such as Chief of Police, City Council rep, City Attorney, CPOA rep with confirmation on the Review Board by the City Council

Any Review Board must be in compliance with and follow the contract, past practice and labor law, particularly (but not limited to):

CPOA/City Contract:

- Complaint and Grievance Process, Article 19
 - (Discrimination complaints are now separate; the contract calls for ONE complaint process.)
- Bill of Rights, Article 38
- Disciplinary Process, Article 28

Other ideas:

Review Board members should not see officer's complaint history or other personnel issues

Review Board members should be limited on what they can discuss outside the Review Board

Can both sides appeal? (What if officer does not agree w/ outcome?)

What will the guidelines be for release of information/investigation?

**Training and Business
Development Center**

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Albany, OR 97321
joseph.bailey@linnbenton.edu
541-917-4935

City of Corvallis
Open Forum Comments

Date: April 26, 2006

Expectations of Review Board

Qualifications of Committee Members

- Receive training in their roles and responsibilities
- Represents the diversity of the community.
- Ability to remain objective
- Selection criteria is defined and trustworthy
- Be aware of legal rights/civil rights and to know where the line is
- Be knowledgeable about state laws and HR rules that impact the scope of authority of the CRB

Structure

- Council liaison is appointed and the CRB reports to the Human Services Committee
- No more than 9 people, 7 is an ideal size
- Each city councilor appoints one person
- CRB has access to City Council and PD
- Term limits

ATTACHMENT D

Process

Ability and authority to act on complaints. The CRB can formulate remedies and make recommendations. They have some "teeth" to deal with problems.

Comes into action only when there is a complaint, don't go looking for problems.

Complaints aren't the only way CRB can be called in (i.e. automatically initiated when there is a shooting.)

Able to act independently on complaints in order to surface a problem.

CRB only deals with issues that aren't resolved by the internal processes and the complainant appeals.

The CRB and police department conduct parallel processes. When a complaint form is filled it automatically goes to the CRB.

Focus on the complainant, not just the complaint

Outcomes from the process that match the complaints with logical consequences

Board maintains anonymity of complainant including details that could reveal too much or make the complainant more vulnerable to concerns about retaliation. Name and phone numbers are kept separate from the complaint form.

The officers are protected from false complaints.

This is a process that monitors and is a stewardship of the police department. This includes a diversity of opinions and advocacy for community members.

Accountability is built into the whole process

Required and responsible to present findings through regular and annual reports, i.e. newspaper, city newsletter, independent sources, and annual report to the city council.

Hold the police accountable.

Ensures that policies are adequate and are followed.

Advises on policy that may be called into question, not just responding to behavior issues.

A timely response

Track all complaints to promote PD accountability, even dismissed complaints

Public vote if this will cost money (there was vocal disagreement on this point)

Easy access by citizens: helpful to have information distributed in many Corvallis locations, such as CSC. Proactive distribution of the complaint process.

Create one form that is a complaint/compliment form. At each stop, this form is given to each person.

Clearly defined roles and responsibilities. CRB knows how to interact with policy makers and suggest changes.

Additional issues

Must have the trust and confidence of the community.

Respect is built between the community and police department.

Funded adequately. Possibly have a fund to conduct independent investigations.

Truth is the focus: allowing for steam to be let off and truth to be understood

Reasons the current process isn't used

- Fear of retaliation
- People most likely to complain are those most at risk- people on the margin. Those least respected are most likely the ones who will have a complaint.
- Fear of arrest (e.g. if they have a warrant against them)
- Questioning the validity of the complaint and being tagged as a troublemaker
- Trust and respect
- Trust and respect for complainants are lacking
- Feel foolish or are laughed at (seen as a joke)
- Feeling that complaints are not welcomed
- People don't think the process is legitimate
- No experience with a satisfactory response
- Screened out complaints
- People haven't found success with it
- Haven't heard of any complaint that was upheld
- People don't know they can complain
- Complaint may be frivolous
- There are no complaints
- Citizens not knowing how to access the process due to education and language barriers
- Lack of overall accessibility to forms and how they are used
- Lack of diversity at reporting points, e.g. Spanish speakers
- Timeline may be/ are too long. Resolution needs to be quicker, timely.
- If the process is too quick, the complaint may not be really reviewed
- Lack of understanding of basic civil rights by citizens
- Not transparent nor a sense of openness
- The people in the system don't see the problem. The people who are investigating are friends with the person being complained about.
- Complaint process isn't advertised

What will be different in Corvallis?

The CRB will be a diverse (age, ability, gender, race) and objective board

A range of viewpoints will be represented.

People are heard and understood

People will feel safer and more secure

People feel better about the P.D. than now

There will be a partnership between the police and the CRB. They will respect each other, drop the chips on the shoulders, and work together for a better community.

People of color and those who are marginalized feel safe and trust the police department. They feel comfortable with accessing the justice system.

Contribute to creating the Corvallis 2020 vision of a safe, caring community

CRB will be able to explain difficult situations to the community

The community will be more informed about what is going on (e.g. know more about an affair than that a shooting occurred)

The process is more accessible and welcoming

The processes and events will be more visible and equal

The process has a proactive tone- a complaint/compliment form is with each officer

Law suits and tort claims against the city will be averted

Citizens have direct access to CRB and don't have to go through an internal review process.

Citizens feel that they can go directly to the CRB and don't have to go directly through the police.

A clear path for reporting to the community is created

There is a year-end review of their work that is presented to the city council and published in the paper.

CRB issues clear messages about their outcomes and the process helps to inform police about how much latitude they have in doing their job

Police officers think twice about their motivation for stopping people

Create a future where some police officers will not want to work (e.g. officers who use intimidation are not tolerated)

Police continue to be held accountable for their actions

Should there be a review board?

Seventy-five to eighty percent said yes.

No: The Chief should do most of what CRB. Issue that officers would have concern about CRB's actions and that they would not respond to crime fighting.

Concerns:

- Money could be better spent putting officers on the street fighting crime.
- Micromanagement of police by the City Council
- Retaining officers when citizens have the authority to recommend discipline
- Overriding the Chief's decisions
- Little issues becoming Big

Yes: Must review the current process and how P.D. has responded to complaints.

Yes: As long as it is not the first step in the complaint process.

There are limited resources and many priorities- unclear whether this is the best place to spend.